

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

v.

CAUSE NO.: 4:08CR00234-01 GTE

ANTOINE D. JONES

MOTION FOR RECONSIDERATION

COMES NOW the Defendant, Antoine D. Jones, by and through counsel, J. Fletcher See, III, Esq. and for his Motion for Reconsideration does hereby state:

1. That on November 17, 2009, the Court held a sentencing hearing in this matter, and a subsequent hearing has been set for November 20, 2009.

2. That in the sentencing hearing of November 17, 2009, Counsel for Defendant stated that he had no further objections to the pre-sentence report, "other than my previous objections". Counsel did not realize that Defendant's objections were not reflected in the second draft of the pre-sentence report.

3. That Defendant objected to Paragraphs five, seven and nine of the pre-sentence report. Counsel was deficient in making a record of these objections and respectfully requests that the Court record said objections. Upon information and belief, the government would not offer evidence to controvert these objections.

4. That the report fails to adequately take into account the numerous mitigating circumstances, noted in the previous hearing. These mitigating circumstances are to such a degree that they are not taken into account by the sentencing guidelines. Further, these circumstances were not made adequately aware to the Court prior to the hearing on November 17, 2009.

5. That Defendant respectfully requests that the Court reconsider its sentence, pursuant to 18 U.S.C. § 3553.

6. That Defendant's sentence is greater than necessary to comply with the purposes set forth in 18 U.S.C. § 3553 (2).

7. That this motion should be granted in order to prevent a miscarriage of justice.

8. That, upon information and belief, AUSA Mike Gordon does not oppose this Motion.

WHEREFORE, Defendant prays that the Court reconsider its previously announced sentence and for all other just and proper relief.

Respectfully Submitted,

/s/ J. Fletcher See
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Attorney for Defendant

CERTIFICATE OF SERVICE

I, J. Fletcher See, do hereby certify that a true and correct copy of the foregoing pleading was electronically filed on November 20, 2009, with the Clerk of the Court using CM/ECF System. which will send notification of such filing to the following;

Michael Gordon, Esq. – A.U.S.A.
U.S. ATTORNEY'S OFFICE
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425 W. Capitol Avenue
Little Rock, AR 72201

/s/ J. Fletcher See
J. Fletcher See, III, Esq.